



01-18-02

CPA 1643/4

Docket Number 4-31157A/USN

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EL820029756US

Express Mail Label Number

January 16, 2002

Date of Deposit

#16

Address to: Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

This is a request for a **continuation** application under 37 CFR §1.53(d) (continued prosecution application (CPA)) of prior Application No. 09/480,236, filed on January 10, 2000.

Applicant: MARY ELLEN DIGAN, PHILIP LAKE AND RICHARD MICHAEL WRIGHT

Title: ANTI-CD3 IMMUNOTOXINS AND THERAPEUTIC USES THEREFOR

TECH CENTER 1500/2900

JAN 23 2002

RECEIVED

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR §1.51(b), or (2) the national stage of an international application in compliance with 35 USC §371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC §154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR §1.53(d), but must be filed under 37 CFR §1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR §1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 USC §122 to the extent that any member of the public who is entitled under the provisions of 37 CFR §1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 USC §120 STATEMENT:** In a CPA, no references to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 USC §120 and to every application assigned the application number identified in such request, 37 CFR §1.78(a).

1. ☒ Enter the unentered amendment previously filed on October 18, 2001 under 37 CFR §1.116 in the prior nonprovisional application.
2. ☐ A Preliminary Amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR §1.53(d)(4). DELETE the following inventor(s) named in the prior nonprovisional application:
4. ☐ A new Declaration and Power of Attorney is enclosed.
5. ☐ A Supplemental Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449 or similar form
  - b. ☐ Copies of IDS citations
6. ☒ A return receipt postcard is enclosed.

01/22/2002 SLUANG1 00000032 190134 09480236

01 FC:131 740.00 CH  
02 FC:103 18.00 CH

7. ☒ The right to elect an invention or species that is different from that elected in parent Application No. 09/480,236 in the event of a restriction or election of species requirement that is identical or substantially similar to that made in said parent application is hereby reserved.
8. ☒ Other: Petition for Extension of Time

Filing fee calculation:

- ☐ Before calculating the filing fee, please enter the enclosed Preliminary Amendment.
- ☐ Before calculating the filing fee, please cancel claims

Basic Filing Fee							\$	740
Multiple Dependent Claim Fee (\$ 280)							\$	
	For	Number Filed		Number Extra		Rate		
Extra Claims	Total Claims	21	-20	1	x	\$ 18	=	\$ 18
	Independent Claims	3	-3	0	x	\$ 84	=	\$
TOTAL FILING FEE							\$	758

- ☒ Please charge Deposit Account No. 19-0134 in the name of Novartis Corporation in the amount of \$758. An additional copy of this paper is enclosed. The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.16 and §1.17 which may be required in connection with this application, or credit any overpayment, to Deposit Account No. 19-0134 in the name of Novartis Corporation.

Please address all correspondence to:

- ☐ the present correspondence address for prior Application No. 09/480,236
- ☒ the address associated with Customer No. 001095, which is currently:  
 Thomas Hoxie  
 Novartis Corporation  
 Patent and Trademark Dept.  
 564 Morris Avenue  
 Summit, NJ 07901-1027

Please direct all telephone calls to the undersigned at the number given below and all telefaxes to (908) 522-6955.

Respectfully submitted,

Date: January 16, 2002

  
 Thomas R. Savitsky  
 Attorney for Applicants  
 Reg. No. 31,661  
 Tel. No. (908) 522-6765